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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CIVIL APPELLATE JURISDICTION**

CIVIL APPLICATION NO. 3888 OF 2006
IN
FIRST APPEAL NO. 291 OF 2007

National Insurance Co. Ltd. ... Applicants

V/s

Smt. Geeta Vishwanath Mistry & ors. ... Respondents

Mr. S.M. Vidyarthi for the applicants.

Ms. Shama N. Ghotekar holding for Mr. S.B. Shetye for the respondent Nos. 1 to 3.

**CORAM: S. B. MHASE &**
**SMT. NISHITA MHATRE, JJ.**

**DATED: 6TH FEBRUARY, 2007.**

**P.C.**:

1. Heard.

2. So far as the civil application is concerned, at interim stage we have heard both sides. The main ground raised by the applicant-appellant is in respect of the quantum of the compensation. The Trial Court has taken into consideration twice the actual income of the deceased taking into consideration that in the business there will be prospectus and in due course the deceased

would have earned twice the present income. Therefore, at this stage, we find it appropriate to release the amount to the extent of 50% taking into consideration the present income of the deceased and dependents. Therefore, we direct the Motor Accident Tribunal that 50% amount out of the total deposited amount of the compensation be paid to the original claimants and the remaining 50% shall be deposited in a nationalized bank initially for a period of three years and if within a period of three years the appeal is not disposed of, the Tribunal shall continue to deposit the said amount till the disposal of the appeal on year to year basis. The amount of Rs.25,000/- which is deposited in this Court is hereby directed to be transferred to the Motor Accident Tribunal.

3. With these directions, the civil application is disposed of.

4. Issuance of authenticated copy is expedited.

(SMT. NISHITA MHATRE, J.) (S.B. MHASE, J.)